

Serial No. 10/697,336
Atty. Doc. No. 2000P20253WOUS

REMARKS

Applicant has amended claims 8 - 20 and added new claims 21 - 25. Thus, claims 8 - 25 are pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Amendments to the Specification:

Applicant has amended the priority claim to recite that the instant application is a continuation application of the PCT application. Applicant respectfully requests the Examiner acknowledge this claim for foreign priority.

Applicant has also amended the specification consistent with the PCT replacement sheets. No new matter has been added. Applicant respectfully requests the Examiner enter the Applicant's replacement amended sheets.

Response to Objections to the Drawings:

The Examiner rejected the drawings for not including reference number 85. Attached hereto is replacement drawing sheet 1 of 2 to replace original drawing sheet 1 of 2 and which includes reference number 85 in Figure 3. Applicants therefore respectfully request withdrawal of the objection to the drawings.

Response To Rejections Under Section 102:

The Examiner has rejected independent claims 8 and 13 under 35 U.S.C. § 102(a), the Examiner contending that this claim is anticipated by Dixon et al. (US 5,158,430), Grosjean (US 4,537,024), Hayton (US 6,203,025), and Tassoni (US 2,991,045). In making this rejection, the Examiner apparently reads the aforementioned prior art as disclosing every claimed feature of Applicant's invention.

Applicant has amended claims 8 and 13 to include the limitation of the seal element and the groove contoured and dimensioned to permit the seal element to swivel from an open position to a closed position through an intermediary position during movement of the heat shield element vertically. None of the cited prior art disclose or suggest that the seal element swivel from an open position to a closed position through an intermediary position during

Serial No. 10/697,336**Atty. Doc. No. 2000P20253WOUS**

movement of the heat shield element vertically. In contrast, Dixon, Grosjean, Hayton, and Tassoni teach a seal element in a closed position and not dimensioned and contoured to swivel from an open position to a closed position or vice versa. The dimensioning and contouring of the seal element and groove is not a matter of mere design choice but is necessary to allow removal of a single heat shield element without having to release the anchorages of adjacent heat shield elements (see e.g. Applicant's specification page 3 lines 32 – 34).

Therefore, Applicant respectfully requests that the Examiner withdraw the Section 102 rejection.

Response To Rejections Under Section 103:

Claims 8 – 17, and 19 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Grosjean (US 4,537,024) in view of Bertelson (US 3,537,024); Dixon et al. (US 5,158,430) in view of Bertelson; and Tassoni (US 2,991,045) in view of Bertelson. Claims 8 – 20 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over Hayton (6,203,025) in view of Bertelson. Claims 8 – 12, and 14 – 18 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over DE 19643715 in view of any of Dixon et al, Grosjean, and Tassoni. Claims 13, 19, and 20 stand rejected under 35 U.S.C. § 103(a), the Examiner contending that these claims are obvious over DE 19643715 in view of any of Dixon et al, Grosjean, and Tassoni, and further in view of Bertelson.

Applicant has amended independent claims 8 and 17 to include the limitation of the seal element and the groove contoured and dimensioned to permit the seal element to swivel from an open position to a closed position due to a vertical motion of a heat shield element. For the reasons discussed in connection with the section 102 rejection, none of the cited prior art either teaches or suggests having the seal element and groove contoured to permit the seal element to swivel from an open position to a closed position during movement of the heat shield element vertically.

Therefore, Applicant respectfully requests that the Examiner withdraw the Section 103 rejection.

Serial No. 10/697,336
Atty. Doc. No. 2000P20253WOUS

Discussion of New Claims 21-25:

New claims 21 - 25 further define the scope of the invention, as described in the specification and drawings and are patentable based on their dependency from the independent claims as well as on their own merit. For example, claim 23 recites the spacing between the first heat shield element and the second heat shield element and the spacing between the second heat shield element and the third heat shield element remains about the same when the second heat shield element is being moved vertically while the first and third heat shield elements are anchored to the support structure. Applicant respectfully submits that claims 21 - 25 are patentable and respectfully request allowance of claims 21 - 25.


Serial No. 10/697,336
Atty. Doc. No. 2000P20253WOUS

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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